

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78560 of 2025

Arising Out of PS. Case No.-262 Year-2024 Thana- KHAJANCHI HAT District- Purnia

Md. Jawed @ Jawed Ansari S/O Md Akabar Ansari Resident of Housing Colony, Rang Bhumi Maidan, Police Station- Khajanchi Hat, Dist.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner apprehends his arrest in a case registered under Sections 379 and 34 of the IPC.

3. As per the prosecution case, the e-rickshaw of the informant was stolen by three accused persons including the petitioner.

4. Learned counsel for the petitioner submits that perusal of the F.I.R itself would indicate that the informant had lodged the case on the basis of a belief that the three persons named in the F.I.R must have stolen away his toto. However, the F.I.R was not lodged promptly but was lodged after a delay of



one day. It has also been submitted that it remains a fact that the recovery of the toto was made from the petitioner's tin house but the said tin shed is an open space which is accessible to all and on account of some personal enmity and rivalry with regard to the passengers, the petitioner has been falsely implicated in the case. The petitioner may have kept the toto at a particular place from which it was recovered and the same would not lead to presumption of an offence of theft as contemplated under Section 379 of the I.P.C.

5. The application for anticipatory bail is opposed by learned A. P.P. for the State.

6. Taking into consideration the facts and circumstances and also considering that even considering the fact that the petitioner may have retained the toto of the informant no offence under Section 379 of the I.P.C seems to have been made out, petitioner has no criminal antecedent, let the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Khajanchi Hat P.S. Case No. 262 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending subject to the condition laid down under Section 438(2)
of the Code of Criminal Procedure/Section 482(2) of the
B.N.S.S, 2023.

(Soni Shrivastava, J)

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